

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF PENNSYLVANIA**

MICHAEL GRAHAM; ALEXUS DIGGS;
and HEATHER CONNOLLY, *on behalf
of themselves and all others similarly
situated, Plaintiffs-Petitioners,*

Civil Action No. 2:20-cv-0496

v.

ALLEGHENY COUNTY; and ORLANDO
HARPER, *Warden of Allegheny County Jail,
Defendants-Respondents.*

SETTLEMENT PROPOSAL

1. The Defendants and their employees, agents, and assignees will continue to implement the ACJ Policy titled “Continuing of Operations Plan: COVID-19” (“the Policy”) as modified by the ACJ from time to time until such time as the Declaration of Emergency in Allegheny County issued by County Executive Rich Fitzgerald, dated March 12, 2020 (“Emergency Declaration”), has been rescinded in full. The ACJ will notify the Plaintiffs’ counsel of any changes to the Policy three business days before the change takes effect. However, ACJ will provide ten days notice to Plaintiffs’ attorneys’ before the effective date of any change within the ACJ’s control that reduces the availability of vaccines or vaccine related educational material at the ACJ.

- a. Out of cell time will be at the discretion of the ACJ.
- b. Fully vaccinated persons may be double-celled.
- c. Binax testing for new detainees will cease, unless and until the number of confirmed Covid cases in Allegheny County reported by the ACHD exceed, for two consecutive weeks, the number of such cases for the week of May 9, 2021. May 9 was selected because it is one month after that testing commenced. That number was 685 confirmed cases. The link to that

page of the ACHD website from which this information was gleaned is,

https://tableau.allegenycounty.us/t/PublicSite/views/COVID-19Summary_16222279737570/COVID-19Summary?:showAppBanner=false&:display_count=n&:showVizHome=n&:origin=viz_share_link&:isGuestRedirectFromVizportal=y&:embed=y

2. The ACJ will continue to distribute and post educational materials on COVID-19 and infection control.

3. The ACJ will make COVID-19 vaccination open and available to all staff and incarcerated people, subject to the availability of vaccine and legal requirements.

4. ACJ will ask all new admittees to the jail if they have been fully vaccinated for COVID-19. If an individual has not been vaccinated, they will be provided with educational materials, an opportunity to speak with medical staff about the vaccine, and an opportunity to be vaccinated.

5. ACJ will provide the following documents to Plaintiff's Counsel at the frequency noted until the Emergency Declaration has been rescinded in full.

a. On a monthly basis, provide the number of individuals currently incarcerated at ACJ who:

- i. are fully vaccinated;
- ii. have been offered the vaccine but refused; and
- iii. have been partially vaccinated

6. Notice of the Settlement Agreement, including that the Defendants will continue the COVID-19 Operations Policy subject to modifications consistent with public health until the termination of the emergency declaration of Allegheny County, will be provided in a manner

accessible to class members and it will inform them of how they can contact class counsel. In the event there is a dispute regarding the terms or manner of the notice the matter will be raised with the court for resolution.

7. The parties will negotiate the Plaintiffs' attorneys' fees.
8. This lawsuit will be Administratively closed, subject to any party moving to reopen it for:
 - a. a hearing on Plaintiffs' attorneys' fees claim,
 - b. to enforce this Agreement, or
 - c. a material change in circumstances.
9. A stipulation of dismissal will be filed when the Declaration of Emergency in Allegheny County issued by County Executive Rich Fitzgerald, dated March 12, 2020 ("Emergency Declaration"), has been rescinded in full and the conclusion by settlement or judgment of the Plaintiffs' attorneys' fees claim.

Respectfully submitted,

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